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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,043

09/29/2003

Dale Brisson

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2583

22235

7590

05/16/2005

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EXAMINER

SLACK, NAKO N

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,043

Applicant(s)

BRISSON, DALE

Examiner

Naoko Slack

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: In claim 1, lines 4-5, the phrase "said plurality of exterior connected" does not make sense. Perhaps, the word - - blocks - - was intended after the word "exterior". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said walls" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "each interior wall panel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 21-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent 5,771,649 to Zweig.

Claim 1:

Zweig discloses a prefabricated building assembly for construction of a low cost building comprising a plurality of exterior Styrofoam wall panels (column 3, lines 44-45); a plurality of exterior Styrofoam connection blocks (column 3, lines 45-49, see Figure 9), said plurality of exterior connected to said plurality of exterior wall panels to form an exterior wall of a building; a plurality of Styrofoam roof panels (column 8, lines 28-30), said plurality of roof panels joined together forming a roof of the building; and said walls having channels that receive cementitious material (column 9, lines 66-67) and rebar (100, Figure 8A) to anchor the exterior walls and roof together for structural rigidity.

Claim 21:

Zweig discloses a prefabricated building assembly providing a means for construction of a building comprising a plurality of light weight foam exterior wall panels (column 3, lines 44-45); a plurality of exterior connection blocks (column 3, lines 45-49, Figure 9), the plurality of exterior connection blocks being capable of joining the plurality of exterior wall panels that form an exterior wall of the building and providing substantial reinforcement stability for said exterior wall panels; a plurality of roof panels (column 8, lines 28-30), the plurality of roof panels forming a roof of the building; a plurality of

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interior wall panels (column 10, lines 47-58); and a plurality of interior connection blocks where the plurality of interior connection blocks being capable of joining the plurality of interior wall panels that form at least one interior wall of the building and providing substantial reinforcement stability for said exterior wall panels, wherein said exterior wall panels, exterior connection blocks, roof panels, interior wall panels and interior connection blocks are made of a polymer.

Claim 22:

Zweig discloses that the polymer is polystyrene (column 3, lines 37-39).

Claim 23:

Zweig discloses that the exterior panels receive a coating (column 2, lines 24-27).

Claim 24:

Zweig discloses that the coating is a cementitious material (column 2, line 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,771,649 to Zweig.

While Zweig does not specify that the coating is polyurea, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use polyurea coating, which is weatherproof, as Zweig is concerned with providing housing which is exposed to environmental elements.

Allowable Subject Matter

If corrected of the deficiencies explained in the 112 rejection above, claims 2-20 would be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

References Cited of Interest

The following references are cited of interest:

US Patent 6,604,328; US Patent 6,167,624; US Patent 6,460,302; US Patent 5,924,247; US Patent 5,404,685; US Patent 5,729,944.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose current telephone number is 571-272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack
Primary Examiner
Art Unit 3635

NS
May 9, 2005